

RIVERDALE LAND USE ADVISORY COMMITTEE
MINUTES OF THE MEETING
AUGUST 18, 2008

- CALL TO ORDER** A meeting of the Riverdale Land Use Advisory Committee was called to order at approximately 2:00 p.m. All Committee members were present as follows: Herb Koenig, Scot Hedstrom, William Spurzem, Lacy Galpin and Harry Brown. Jeff Harris, Flathead County Planning Director, Olaf Ervin, land surveyor, and Hank Galpin, meeting facilitator, were also present.
- APPROVAL OF MINUTES** One correction was made to the minutes. Hedstrom made a motion seconded by Koenig to approve the corrected minutes. The motion was carried unanimously.
- PUBLIC COMMENT** None.
- UNFINISHED BUSINESS**
By-laws The Committee finished the rough draft of the by-laws. It was agreed that Galpin would give them to Harris for his review.
- Request correction of “residents” to “landowners”.** Galpin reported that she met with Harris and asked him about requesting that the County Commissioners correct “residents” to “landowners” regarding eligibility to be on the Riverdale Land Use Advisory Committee. Resolution No. 2142 states, “The Riverdale Land Use Advisory Committee shall consist of residents of the Riverdale Area.” Page 33 of the Riverdale Neighborhood Plan states “The Riverdale land Use Advisory Committee shall be comprised of five (5) Riverdale Landowners.” Harris said that, of course, the Committee can request a correction. He pointed out that if “residents” is changed to “landowners” renters won’t be eligible to be on the Committee.
- Hedstrom made a motion seconded by Koenig that the Committee request that the County Commissioners make the correction. The motion was carried unanimously.
- It was agreed that Galpin would write a letter to the County Commissioners requesting the correction, and that all of the Committee members would sign it.

NEW BUSINESS
Zone change request
by Fetveit, Veyna,
Bauer and Anderson
from AG-40 to SAG-
5.

Harris presented a zone change request in the Highway 93 North Zoning District by Samantha Fetveit, Kevin and Austina Veyna, Hal and Rebecca Bauer and John Anderson from AG-40 to SAG-5. The properties are located at 43 Prairie View Way, 124 Prairie View Way, 76 Prairie View Way and 162 Prairie View Way respectively, and contain 82.40 acres.

Harris expressed two concerns that Flathead County has about the zone change request as follows:

1. It is a fairly drastic change in zoning from one residence per 40 acres to one per five acres.
2. Prairie View Road is not being paved. It would put pressure on a road that is already trafficked. The State is taking a hard look at it.

A discussion followed on road dust and on the increase in traffic, but no vote or decision was made regarding either.

Ervin, land surveyor and proponent for the applicants, presented the following:

There are four separate landowners and four separate properties. Fetveit's children want to build on ten (10) acres next to their parents. To avoid spot zoning it was thought the best approach would be for the other landowners to apply. They agreed to do so to be neighborly. However, all of the applicants would be happy if only Fetveit's was approved or if Fetveit was allowed one (1) residence per ten (10) acres; it didn't have to be one (1) residence per five (5) acres.

A discussion followed. Harris explained that spot zoning only occurs if there is a lawsuit. He said the Court uses several tests to determine if it's spot zoning and they are:

1. There is a single landowner.
2. The district stands out blatantly as a special privilege on a single property. (Harris said it can be multiple.)

Harris said other counties determine it to be thousands of owners. He said Flathead County will typically process small acreage.

Since Fetveit's concern that her application might be called spot zoning was unwarranted and Ervin said the other landowners didn't care if their applications were approved as long as Fetveit's was, a discussion followed whether to recommend approval of her application and denial

of the other three applications. No motion was made and no vote was taken as a result of that discussion.

There was a discussion regarding Anderson's and Veyna's properties being in the Landfill Transition Area of the Riverdale Neighborhood Plan which designates no more than one residence per 20 acres.

Galpin asked if there were protective covenants on the properties allowing only one residence per 20 acres. Ervin said the covenants allowed one home per ten acres.

Hedstrom expressed serious concern that there is no emergency turn around on Prairie View Way. The Committee thought it was important that it be addressed and possible solutions were discussed by the Committee and Ervin.

Brown moved and Spurzem seconded that the Committee recommend that the applications submitted by Samantha Fetveit and Hal and Rebecca Bauer be approved. It passed unanimously.

Hedstrom moved and Brown seconded that the Committee recommend that the applications submitted by Kevin and Austina Veyna and John Anderson be denied. It passed unanimously.

ADJOURNMENT

Hedstrom adjourned the meeting at 4:35 p.m.